

R307. Environmental Quality, Air Quality.**R307-801. Asbestos.**

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R307-801-3. Definitions.

The following definitions apply to R307-801:

"Adequately Wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

"Amended Water" means a mixture of water and a chemical wetting agent that provides control of asbestos fiber release.

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and the Environmental Protection Agency implementing regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools.

"Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

"Asbestos Containing Material (ACM)" means any material containing more than one percent (1%) asbestos by the method specified in Appendix A, Subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy (PLM), or, if the asbestos content is less than 10%, the asbestos concentration must be determined by point counting using PLM procedure.

"Asbestos Inspection" means any activity undertaken to determine the presence or location, or to assess the condition, of asbestos-containing material or suspected asbestos-containing material, whether by visual or physical examination, or by taking samples of the material. This term includes re-inspections of the type described in AHERA, 40 CFR 763.85(b), of known or assumed asbestos-containing material which has been previously identified.

The term does not include the following:

(a) Periodic surveillance of the type described in AHERA, 40 CFR 763.92(b), solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing material;

(b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) Visual inspections of the type described in AHERA, 40 CFR 763.90(i), solely for the purpose of determining completion of response actions.

"Asbestos Project" means any activity involving the removal, renovation, repair, demolition, salvage, disposal, cleanup, or other disturbance of regulated asbestos-containing material greater than small scale short duration.

"Asbestos Removal" means the stripping of friable asbestos-containing material from surfaces or components of a structure or taking out structural components that contain or are covered with friable ACM from a structure.

"Asbestos Survey Report" means a written report as specified

1 in R307-801-10(6) describing an asbestos inspection performed by a
2 certified asbestos inspector.

3 "Asbestos Waste" means any waste that contains asbestos.
4 This term includes filters from control devices, friable asbestos-
5 containing waste material, and bags or other similar packaging
6 contaminated with asbestos. As applied to demolition and
7 renovations, this term includes materials contaminated with
8 asbestos including disposable equipment and clothing.

9 "Containerized" means sealed in a leak-tight and durable
10 container.

11 "Debris" means asbestos-containing material that has been
12 dislodged and has fallen from its original substrate and position
13 or which has fallen while remaining attached to substrate sections
14 or fragments, and is friable or regulated in its current
15 condition.

16 "Demolition" means the wrecking, salvage, or removal of any
17 load-supporting structural member of a structure together with any
18 related handling operations, or the intentional burning of any
19 structure. This includes the moving of an entire building.

20 "Disturb" means to disrupt the matrix of ACM or regulated
21 asbestos-containing material, crumble or pulverize ACM or
22 regulated asbestos-containing material, or generate visible debris
23 from ACM or regulated asbestos-containing material.

24 "Division" means the Division of Air Quality.

25 "Emergency Renovation Operation" means any asbestos project
26 which was not planned and results from a sudden, unexpected event
27 that, if not immediately attended to, presents a safety or public
28 health hazard, is necessary to protect equipment from damage, or
29 is necessary to avoid imposing an unreasonable financial burden as
30 determined by the Division. This term includes operations
31 necessitated by non-routine failure of equipment and does not
32 include situations caused by the lack of planning.

33 "Encapsulant" means a permanent coating applied to the
34 surface of friable ACM for the purpose of preventing the release
35 of asbestos fibers. The encapsulant creates a membrane over the
36 surface (bridging encapsulant) or penetrates the material and
37 binds its components together (penetrating encapsulant).

38 "Facility" means any institutional, commercial, public,
39 industrial, or residential structure, installation, or building,
40 including any structure, installation, or building containing
41 condominiums or individual dwelling units operated as a
42 residential co-operative; any ship; and any active or inactive
43 waste disposal site. For purposes of this definition, any
44 building, structure, or installation that contains a loft used as
45 a dwelling is not considered a residential structure,
46 installation, or building. Any structure, installation or building
47 that was previously subject to the NESHAP is not excluded,
48 regardless of its current use or function. Public building and
49 commercial building have the same meanings as they do in TSCA
50 Title II.

51 "Friable Asbestos Containing Material (Friable ACM)" means
52 any asbestos-containing material that, when dry, can be crumbled,
53 pulverized, or reduced to powder by hand pressure.

1 "Glovebag" means an impervious plastic bag-like enclosure,
2 not more than a 60 x 60 inches, affixed around an asbestos-
3 containing material, with glove-like appendages through which
4 material and tools may be handled.

5 "HEPA Filtration" means the high efficiency particulate air
6 filtration found in respirators and vacuum systems capable of
7 filtering particles greater than 0.3 micron in diameter with
8 99.97% efficiency, designed for use in asbestos-contaminated
9 environments.

10 "Inaccessible" means in a physically restricted or obstructed
11 area or covered in such a way that detection or removal is
12 prevented or severely hampered.

13 "Management Plan" means a document that meets the
14 requirements of AHERA for management plans for asbestos in
15 schools.

16 "Management Planner" means a person who prepares a management
17 plan for a school building subject to AHERA.

18 "Model Accreditation Plan (MAP)" means 40 CFR Part 763,
19 Subpart E, Appendix C, Asbestos Model Accreditation Plan.

20 "NESHAP" means the National Emission Standards for Hazardous
21 Air Pollutants, 40 CFR Part 61, Subpart M, the National Emission
22 Standard for Asbestos.

23 "NESHAP Amount" means combined amounts in a project that
24 total:

25 (a) 260 linear feet (80 meters) of pipe covered with RACM;

26 (b) 160 square feet (15 square meters) of RACM used to cover
27 or coat any duct, boiler, tank, reactor, turbine, equipment,
28 structure, structural member, or structural component; or

29 (c) 35 cubic feet (one cubic meter) of RACM removed from
30 structural members or components where the length and area could
31 not be measured previously.

32 "NESHAP-Sized Asbestos Project" means any asbestos project
33 that involves at least a NESHAP amount of ACM.

34 "Regulated Asbestos-Containing Material (RACM)" means friable
35 ACM, Category I nonfriable ACM that has become friable, Category I
36 nonfriable ACM that will be or has been subjected to sanding,
37 grinding, cutting, or abrading, or Category II nonfriable ACM that
38 has a high probability of becoming or has become crumbled,
39 pulverized, or reduced to powder by the forces expected to act on
40 the material in the course of demolition or renovation operations.

41 "Renovation" means the alteration in any way of one or more
42 structural components, excluding demolition.

43 "Small-Scale, Short-Duration (SSSD) Asbestos Project" means
44 an asbestos project that removes or disturbs less than 3 square
45 feet or 3 linear feet of RACM in a facility or structure.

46 "Strip" means to take off ACM from any part of a structure or
47 structural component.

48 "Structural Component" means any pipe, duct, boiler, tank,
49 reactor, turbine, or furnace at or in a structure, or any
50 structural member of the structure.

51 "Structural Member" means any load-supporting member of a
52 structure, such as beams and load-supporting walls or any non-
53 load-supporting member, such as ceilings and non-load-supporting

walls.

"Structure" means, for the purposes of R307-801, any institutional, commercial, residential, or industrial building, equipment, building component, installation, or other construction.

"TSCA Accreditation" means successful completion of training as an inspector, management planner, project designer, contractor-supervisor, or worker, as specified in the TSCA Title II.

"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response[, and 40 CFR Part 763, Subpart E - Asbestos Containing Materials in Schools, including appendices, as in effect on July 1, 1999].

"Unrestrained Access" means without fences, closed doors, personnel, or any other method intended to restrict public entry.

"Waste Generator" means any owner or operator of an asbestos project covered by R307-801 whose act or process produces asbestos waste.

"Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

R307-801-4. Adoption and ~~[Implementation of TSCA Title II]~~ Incorporation of 40 CFR 763 Subpart E.

(1) The provisions of 40 CFR 763 Subpart E, including appendices~~[TSCA Title II]~~ effective as of the date referenced in R307-101-3 are hereby adopted and incorporated ~~[herein]~~ by reference.

(2) Implementation of the provisions of 40 CFR Part 763, Subpart E, except for the Model Accreditation Plan, shall be limited to those provisions for which the EPA has waived its requirements in accordance with 40 CFR Subpart 763.98, Waiver; delegation to State, as published at 52 FR 41826, (October 30, 1987).

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R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications.

(1) An application for certification may be denied if the individual, applicant company, or any principle officer of the applicant company has a documented history of noncompliance with the requirements, procedures, or standards established by R307-801, R307-214-1, which incorporates 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos, AHERA, or with the requirements of any other entity regulating asbestos activities and training programs.

(2) The executive secretary may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or 40 CFR Part 61, Subpart M, including but not limited to:

(a) Falsification of or knowing omission in any written submittal required by those regulations;

(b) Permitting the duplication or use of a certificate or

1 TSCA accreditation for the purpose of preparing a falsified
2 written submittal; or

3 (c) Repeated work practice violations.

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7 **KEY: air pollution, asbestos, asbestos hazard emergency response,**
8 **schools**

9 **Date of Enactment or Last Substantive Amendment: June 16, 2006**

10 **Notice of Continuation: June 16, 2006**

11 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d);**
12 **19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part**
13 **763, Subpart E**

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